

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alice Bonnen, Applicant's Representative, on 11/10/08.

#### **IN THE CLAIMS**

In claim 1, line 3, after the term "solvent", the phrase --selected from the group consisting of methanol, ethanol, propanol, butanol, acetone, ethyl acetate, and mixtures thereof-- has been inserted.

In claim 45, line 5, after the term "solvent", the phrase --selected from the group consisting of methanol, ethanol, propanol, butanol, acetone, ethyl acetate, and mixtures thereof-- has been inserted.

Claims 3 and 15 have been cancelled without prejudice.

#### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art of record was not found to reasonably teach or suggest applying one of the claimed organic solvents to seed meal/flour prior to treatment (e.g. as part of step 1 in producing hydrolysates therefrom) with at least one proteolytic enzyme, to produce ACE inhibitory peptide-containing hydrolysate. This unexpected discovery/result, was

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not found to have suggestion/motivation within the art, such that one of ordinary skill in the art, would have predictably pre-treated the seed meal with one of said organic solvents to obtain a hydrolysate, wherein the organic solvent produces: 1) increased production of the hydrolysate; and 2) increased activity/function of the hydrolysate (e.g. biological activity/function). The steps and process claimed, and results thereof are thus deemed unexpected results not predicted by the applicant's which led to the discovery of these improved method of producing said hydrolysates, and therefore novel & unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Claims 1-2, 4-14, 16-21, and 45 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURY AUDET whose telephone number is (571)272-0960. The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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MA, 11/23/08

/Cecilia Tsang/

Supervisory Patent Examiner, Art Unit 1654